

SUBCOMMITTEE NO. 3

Agenda

Senator Richard Pan, Chair
Senator William W. Monning
Senator Jeff Stone



May 17, 2018
Upon Call of the Chair
Room 4203, State Capitol

PART B

Consultant: Theresa Pena

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ISSUES FOR VOTE ONLY

0530 HEALTH AND HUMAN SERVICES AGENCY/OFFICE OF SYSTEMS INTEGRATION (OSI)

4260 DEPARTMENT OF HEALTH CARE SERVICES (DHCS)

4300 DEPARTMENT OF DEVELOPMENTAL SERVICES (DDS)

5180 DEPARTMENT OF SOCIAL SERVICES (DSS)

Issue 1: BCP: Electronic Visit Verification Multi-Departmental Planning Team (Issue 401-MR)

May Revision. In response to federal requirements that would require states to implement Electronic Visit Verification (EVV) systems for Medicaid-funded personal care and home health care services, including IHSS, the Administration has put forward an agency-wide proposal for limited-term resources to support planning of an EVV system across multiple programs. California has until January 2019 to comply for personal care services, and until January 2023 for home care services, or escalating penalties will be incurred. The resources requested are as follows:

- DSS: \$243,000 (\$122,000 General Fund) on a two-year limited term basis for two positions
- OSI: \$143,000 in expenditure authority equivalent to one position, and a corresponding increase of \$143,000 (\$72,000 General Fund) for DSS
- DDS: \$277,000 (\$222,000 General Fund) on a two-year limited term basis for two positions
- DHCS: \$286,000 (\$143,000 General Fund) on a two-year limited term basis for two positions

Staff Recommendation. Approve as requested. This subcommittee heard and discussed this item during its May 15, 2018 and May 16, 2018 hearings.

5180 DEPARTMENT OF SOCIAL SERVICES – IN-HOME SUPPORTIVE SERVICES (IHSS)

Issue 2: BBL: Electronic Visit Verification (EVV) (Issue 408-MR)

May Revision. The Administration requests that Item 5180-111-0001 be amended to include provisional language to: (1) authorize increased expenditures to comply with federal EVV requirements for IHSS personal care services and Waiver Personal Care Services, and (2) allow the transfer of expenditure authority from Item 5180-111-0001 to Item 5180-001-0001 to fund any necessary state support expenditures, subject to Finance approval, and (3) to allow the department to implement EVV requirements by means of all-county letter in consultation with stakeholders without taking further regulatory action. The language specifies that any such increase shall be authorized no less than 30 calendar days following written notification to the Joint Legislative Budget Committee, or a lesser period if requested by the department and approved by the Joint Legislative Budget Committee.

Staff Recommendation. Approve provisional language as placeholder, striking language in (c) pertaining to implementing EVV requirements by all-county letter without taking regulatory action.

Issue 3: IHSS County Administration Adjustment (Issue 407-MR)

May Revision. The Administration requests an increase of approximately \$24 million General Fund and reimbursements be increased by approximately \$23 million to reflect revised workload assumptions for county and public authority administrative activities associated with the IHSS program. The workload assumptions and budgeting methodology will be reexamined as part of the 2020-21 Budget.

Staff Recommendation. Approve requested amount, increased by one thousand dollars, as placeholder; the Subcommittee directs the Department of Finance to work with county and labor partners in refining the amount needed to fully fund social workers.

5180 DEPARTMENT OF SOCIAL SERVICES – CHILD WELFARE SERVICES (CWS)**Issue 4: Continuum of Care Reform (CCR): Resource Family Approval Backlog (Issue 416-MR)**

May Revision. The Administration requests an increase of \$3,161,000 General Fund and an increase of \$1,463,000 in Federal Funds to provide one-time funding to address the county backlog of Resource Family applications.

Staff Comment and Recommendation. Approve as requested. This subcommittee heard and discussed this item during its May 15, 2018 hearing.

Issue 5: CCR: Level of Care Assessment Tool (Issue 418-MR)

May Revision. The Administration requests an increase of \$2.5 million General Fund and an increase of \$633,000 in Federal Funds to support an increased workload for county social workers and probation officers associated with implementation of the Level of Care (LOC) Protocol Assessment Tool developed for use with the Home-Based Family Care (HBFC) rate structure. This funding is contingent upon counties providing their Specialized Care Increment (SCI) plans to the department. Counties have until June 30, 2018 to update their SCI plans and indicate whether or not they will be continuing their SCI program.

Staff Comment and Recommendation. Approve as requested. This subcommittee heard and discussed this item during its May 15, 2018 hearing.

Issue 6: CCR: Revised Group Home Caseload Projections (Issue 419-MR)

May Revision. The Administration requests an increase of \$39,740,000 General Fund and an increase of \$7,472,000 in Federal Funds to reflect increased costs associated with revised group home caseload projections based on actual caseload movement, to which there is a slower than anticipated decline in congregate care caseload.

Staff Comment and Recommendation. Approve as requested. This subcommittee heard and discussed this item during its May 15, 2018 hearing.

Issue 7: CCR: Specialized Care Increment Savings Adjustment (Issue 420-MR)

May Revision. The Administration requests an increase of \$16,231,000 General Fund and an increase of \$3,052,000 in Federal Funds to reflect a correction related to assumed county savings associated with Specialized Care Increments (SCIs) provided in addition to the basic foster care rate. The May Revision continues to assume that counties will reduce SCI payments to reflect the transition from age-based foster care rates to the new Home-Based Family Care rate structure.

Staff Comment and Recommendation. Approve as requested. This subcommittee heard and discussed this item during its May 15, 2018 hearing.

Issue 8: TBL: Home-Based Family Rate Clarification

May Revision. The Administration proposes trailer bill language to clarify state statute regarding the non-applicability of the Home-Based Family Care (HBFC) rate structure for Adoption Assistance Program (AAP), Kin-GAP, and Non-Related Legal Guardian (NLRG) cases that went to permanency on or before December 31, 2016.

The Administration states that for NLRG cases established between May 1, 2011 to December 31, 2016, to continue receiving the age-based rates that existed at the time permanency was established because the costs for these cases are not included in the existing HBFC Level of Care (LOC) rates budget. The statute would further clarify that on or after January 1, 2017, NLRG cases where the guardianship is established in probate will qualify for the Basic Level Rate.

The Administration also states that language is needed to limit the Kin-Gap and AAP cases established between May 1, 2011 and December 31, 2016, to the age-based rates negotiated at the time of the agreement; therefore, these cases are not entitled to the HBFC LOC rates upon reassessment. The department notes that failure to implement this trailer bill language will result in an annual General Fund cost pressure in the tens of millions.

Staff Comment and Recommendation. Approve trailer bill as placeholder. The Subcommittee directs the Department of Finance to address advocate concerns raised regarding clarity that that families would still be able to re-negotiate their AAP or KinGAP rate into the new rates system based on the needs of the child.

Issue 9: Proposal for Investment: TBL: Group Home Extension

CWDA proposes trailer bill language to authorize DSS to allow foster youth to be placed in eligible group homes that have not converted to a Short-Term Residential Therapeutic Program (STRTP) beyond the statutory deadline of December 31, 2018, to ensure that the state and counties can build enough capacity to successfully transition youth out of group homes. To be eligible for an extension, county child welfare must submit documentation to DSS describing the county's plan to transition all foster youth residing in group homes in a home-based placement or STRTP. The language would also require the county to describe barriers to these transitions and identify local and state-level solutions.

Staff Comment and Recommendation. Approve trailer bill language as placeholder. This subcommittee heard and discussed this item during its May 15, 2018 hearing.

Issue 10: TBL: Proposal for Investment: Specialized Care Rate Savings and True-Up

CWDA proposes trailer bill language that would codify the true-up process for the state and county costs and savings associated with the CCR. Under the Constitutional terms of Proposition 30, the state is required to fund the net cost increases associated with mandated child welfare activities and costs enacted after 2011 Realignment was adopted. CWDA and the current Administration have worked together to develop a detailed calculation to reconcile state and county costs and savings on a monthly basis in the county cost claim, including those related to reduced SCIs, for CCR-related assistance costs. Reduced assistance costs due to the implementation of the CCR are then to be used to offset state General Fund investments for CCR administration, including but not limited to, CFTs, LOC protocol work, and the CANS assessment. Codification of the CCR true-up calculation will ensure that all relevant costs and savings are reflected on an ongoing basis and that counties that do experience net costs related to CCR will have those costs covered.

Staff Comment and Recommendation. Approve trailer bill language as placeholder. This subcommittee heard and discussed this item during its May 15, 2018 hearing.

Issue 11: Tribal Title IV-E: Start-Up Administration Costs (Issue 414-MR)

May Revision. The Administration requests an increase of \$87,000 to provide start-up funds for tribes with existing federal Title IV-E agreements and to assist tribes in establishing a Title IV-E child welfare program. Related, forthcoming trailer bill is also requested.

Staff Recommendation. Approve as requested. This subcommittee heard and discussed this item during its May 15, 2018 hearing.

Issue 12: TBL: Federal Compliance: Indian Child Welfare Act Child Custody Proceedings

May Revision. The Administration proposes trailer bill language to align state law with the minimum standards of the Federal Indian Child Welfare Act's (ICWA) Final Rule, which, among other things, specifies a tribe's exclusive jurisdiction over child custody proceedings involving an Indian Child and clarifies notification requirements. The department notes that codification of the Final Rule is consistent with previous ICWA compliance efforts.

Staff Comment and Recommendation. Approve trailer bill language as placeholder. This subcommittee heard and discussed this item during its May 16, 2018 hearing.

Issue 13: TBL: Tribal/State Title IV-E Agreement Start-Up Allocation

May Revision. The Administration proposes trailer bill language to provide start-up funds, from existing allocations and funding, for tribes who have executed Tribal/State Title IV-E Agreements to provide child welfare service programs. The funding would be available for the first three years of implementation of their agreement.

Recently, a tribe expressed interest in implementing their Title IV-E Agreements to be used for start-up funds that will provide tribes with the ability to reasonably establish their child welfare programs in accordance with their agreement.

Staff Comment and Recommendation. Approve trailer bill language as placeholder. This subcommittee heard and discussed this item during its May 15, 2018 hearing.

5180 DEPARTMENT OF SOCIAL SERVICES – CALWORKS**Issue 14: CalWORKs Single Allocation (Issue 406-MR)**

May Revision. The Administration requests an increase of \$55.8 million federal Temporary Assistance for Needy Families (TANF) block grant funds in 2018-19 to reflect the adoption of a revised budgeting methodology for county administration of the CalWORKs eligibility determination process.

The CalWORKs Single Allocation reflects the cost to administer the CalWORKs program and provide employment services and Stage One Child Care to individuals in the CalWORKs Welfare to Work program, and Cal-Learn Intensive Case Management. Funding for each category within the Single Allocation is based on different methodologies that adjust funding from prior years based on caseload projections and assumed costs per case. This can be problematic when the program sees dramatic swings in caseload, as often happens in CalWORKs since it is so closely tied to the economy.

Last year, the Legislature directed the department and counties to work together to develop a new methodology. The Governor's budget provided approximately \$1.7 billion in funding the Single Allocation in 2018-19. The May Revision increases the Single Allocation by \$29 million. However, even with the May Revision augmentation to the Single Allocation and an agreement on the eligibility methodology, CWDA considers that an additional \$28.7 million has been cut from the Employment Services component due to the ongoing caseload reduction, and would force counties to carry additional staffing vacancies to offset the funding shortfall.

Staff Comment and Recommendation. Approve increase in May Revision and augment with an additional \$10 million General Fund for Employment Services in 2018-19.

Issue 15: Trailer Bill Language: CalWORKs Home Visiting Initiative

Budget Issue. The Administration proposes to implement a Home Visiting Initiative in the CalWORKs program. This program would engage a pregnant or first-time parent enrolled in the CalWORKs program or caretaker relative for a child only case, under 25 years old, that has a child less than 24 months of age. Participation in the program is voluntary and would not affect a family's application for aid or eligibility for any other CalWORKs benefits, supports, or services. Participation would be limited to 24 months.

The May Revision includes \$158.5 million over three years, including \$26.9 million in 2018-19 with implementation beginning January 1, 2019. The remaining \$131.6 million in TANF money will be set aside in a Home Visiting Initiative Reserve to fund this program for a total of three years.

Staff Comment and Recommendation. Approve trailer bill language as placeholder, and corresponding dollars as placeholder. Trailer bill language should also: 1) Remove limits on age and the number of children for participants in the program; 2) Include language that would make implicit bias training a requirement for all home visitors; and 3) Include additional specifics on data collection points, including child welfare referrals; 4) Include an bi-annual gathering for counties and participating programs to share challenges and best practices; 5) Include language that indicates preference for county applicants that include co-location of home visitors at the welfare office; 6) Permit a five year longitudinal study of the children who participated in the program to assess their overall well-being.

Issue 16: CalWORKs Stage 1 Child Care

Conforming Action. The Senate Subcommittee No.1 on Education Finance took action on Tuesday, May 15, 2018 to increase the hourly rates for license-exempt child care providers to 70 percent of the hourly rate for Family Child Care Home licensed providers. The rate changes impacts the CalWORKs program. CalWORKs Stages 2 and 3 child care are administered by the Department of Education while Stage 1 is administered by the Department of Social Services.

State law requires that license-exempt child care providers be reimbursed at 70 percent of the Family Child Care Home ceiling. However, license-exempt providers providing part-time hourly child care services are typically reimbursed at 30 percent of this rate. The low reimbursement rate limits access to child care services for families that need flexible, part-time, hourly, license-exempt child care.

Staff Comment and Recommendation. Approve \$20.5 million General Fund in 2018-19 for Stage 1 child care to conform to actions in Senate Subcommittee No.1 to increase the hourly rates for license-exempt child care providers.

5180 DEPARTMENT OF SOCIAL SERVICES – DISASTER SERVICES BUREAU**Issue 17: Disaster Assistance**

May Revision. The Administration requests an increase of \$200,000 General Fund for the State Supplemental Grant Program to assist victims of the 2017 wildfires and the 2018 Southern California mudslides.

Staff Comment and Recommendation. Approve as requested. This subcommittee heard and discussed this item during its May 15, 2018 hearing.

5180 DEPARTMENT OF SOCIAL SERVICES – SENATE PROPOSALS**Issue 18: Safety Net Reserve**

Senate Proposal. The Senate proposes to create a Safety Net Reserve, create MediCal and CalWORKs subaccounts within the reserve, and deposit \$1 billion into the CalWORKs subaccount. The Senate directs the Department of Finance to work with the Legislative Analyst's Office to determine a methodology to calculate how future caseload savings will be deposited into this subaccount and potentially other subaccounts for other safety net programs. The intent of the Safety Net Reserve is to build a specific reserve for these two programs, as they are often the most needed and heavily utilized during an economic downturn, yet often face severe cuts during tough times. The Safety Net Reserve will provide additional resources in a recession to mitigate this effect and avoid cutting these programs when they are needed most.

Staff Comment and Recommendation. Approve.

Issue 19: Honest Budget Adjustments in SSI/SSP and CalWORKs

Senate Proposal. The Senate proposes to include adjustments for inflation in the SSI/SSP and CalWORKs programs beginning January 1, 2019 and annually thereafter, using the California Necessities Index (CNI) as the inflation factor. Without inflation adjustments, these programs, which serve some of the most impoverished and vulnerable populations in California, are effectively cut every year, making it more and more difficult for recipients to keep up with rising costs of living. Using a 4.04 percent CNI in 2018-19, this proposal would allocate \$55 million in SSI/SSP and \$50 million for CalWORKs in 2018-19, and continue to use the CNI in calculations for the out years.

Staff Comment and Recommendation. Approve.

Issue 20: Ending Deep Poverty for CalWORKs Recipients

Senate Proposal. The Senate proposes to increase CalWORKs grants to keep children out of deep poverty, which is defined as below 50 percent of the Federal Poverty Level. Currently, CalWORKs grants are too low to support the healthy growth and development of the state's poorest children. Research has shown that when children live in deep poverty, they endure hardships that negatively impact their capacity to learn, develop, and thrive. Ultimately, deep poverty damages a child's chance to escape poverty and fuels an intergenerational cycle of poverty. This Senate action would ultimately raise the maximum aid payment from \$714 to \$1,046 for a family of three by 2021-22, as costs are phased in over several years. This action is estimated at \$400 million in 2018-19, growing to \$1.5 billion by 2021-22.

Staff Comment and Recommendation. Approve.

Issue 21: Ending the SSI Cash-Out

Senate Proposal. Currently, State policy provides SSI/SSP recipients an extra \$10 payment in lieu of their being eligible to receive federal food benefits through California's CalFresh program. The Senate proposes to end the SSI Cash-Out, and allow all SSI recipients to apply for CalFresh benefits, and hold harmless those households that would see either a loss or reduction of benefits due to this policy change, either currently in the program or in the future.

Staff Comment and Recommendation. Approve a placeholder amount of \$60 million in 2018-19 and \$120 million ongoing for a hold harmless. Amounts approved in this action includes costs for the benefit for populations held harmless, outreach, administration, and automation.

0000 VARIOUS DEPARTMENTS – PROPOSALS FOR INVESTMENT

All Items in this section were heard in previous Subcommittee No.3 hearings this year.

Issue 22: Long-Term Care Ombudsman Augmentation

Budget Issue. The California LTC Ombudsman Association requests \$7.3 million General Fund ongoing for the local LTC Ombudsman Programs. The breakdown of the requested funds is as follows: 1) \$3.5 million to enable local programs to conduct quarterly unannounced visits to long term care facilities; 2) \$420,000 to enable the program to focus on volunteer recruitment; 3) \$1.1 million to enable programs to investigate and resolve additional complaints; and 4) \$2.3 million to adjust the local annual program base to \$100,000 (an additional \$65,000 per program).

Staff Comment and Recommendation. Approve \$2.3 million General Fund ongoing to adjust the local annual program base and approve corresponding trailer bill language as placeholder.

Issue 23: MSSP Rate Increase

Budget Issue. The MSSP Site Association (MSA) requests \$4.6 million General Fund ongoing to provide a supplemental rate adjustment for MSSP sites. MSA points out that MediCal funding for MSSP has been flat and was reduced during recession years, while the cost of professional staff and operations has continued to increase. The requested funds would increase the per client rate to \$5,356.

Staff Comment and Recommendation. Approve as requested.

Issue 24: Equitable Child Support Services Funding

Budget Issue. Various county representatives request an increase in child support services funding as follows: \$17.9 million of General Fund in 2018-19; \$28.4 million General Fund in 2019-20; \$38.8 million General Fund in 2020-21; and \$4.8 million additional General Fund in each of the three years. Requested trailer bill language also enshrines a new methodology based on a ratio based of cases per Full Time Equivalent (FTE) position to determine each Local Child Support Agency's (LCSA's) allocation. Requested trailer bill language also directs LCSAs and the Administration to work together over the 2018-2019 budget year to develop additional program improvements or improvements to the methodology.

Staff Comment and Recommendation. Approve as requested, and approve corresponding trailer bill language and budget bill language as placeholder.

Issue 25: Indian Health Clinics

Budget Issue. The California Rural Indian Health Board, Inc. (CRIHB) requests an augmentation of \$2.15 million General Fund for Indian Health Clinics.

Staff Comment and Recommendation. Approve as requested.

Issue 26: Fruit and Vegetables EBT Pilot

Budget Issue. California Food Policy Advocates and the San Francisco Bay Area Planning and Urban Research Association requests \$9 million General Fund one-time for the CalFresh Fruit and Vegetable EBT Pilot to increase the purchase and consumption of California-grown fruits and vegetables that are financially out-of-reach for low-income residents. The proposed pilot will modify the CalFresh EBT system to allow CalFresh shoppers to receive a matching benefit upon eligible purchases of California-grown fruits and vegetables, and implement seven community-based pilots to evaluate the efficacy of the EBT system.

Staff Comment and Recommendation. Approve as requested, and approve trailer bill language as placeholder.

Issue 27: Funding for Food Bank Infrastructure

Budget Issue. The California Association of Food Banks requests \$25 million in the 2018-19 budget for one-time food bank infrastructure improvements. Advocates state that food banks are in serious need of improving capacity. The requested dollars would go towards providing modern refrigerated transportation, cold storage, and other capital improvements. It has been nearly 20 years since the state has invested in food bank infrastructure.

Staff Comment and Recommendation. Approve \$5 million in 2018-19 for one-time food bank infrastructure improvements.

Issue 28: Additional Funding for Continuum of Care Reform (CCR)

Budget Issue. The California State Association of Counties (CSAC), County Welfare Directors Association of California (CWDA) and the Service Employees International Union of California (SEIU) request an additional \$49.1 million General Fund in 2018-19 to address county workload associated with implementation of the CCR. This funding would be allocated as follows: 1) \$9.5 million General Fund in one-time funding to clear the RFA backlog; 2) \$7.3 million General Fund for new county workload associated with LOC assessments for 2018-19; 3) \$38 million General Fund for new county workload to implement the CANS assessment tool.

Staff Comment and Recommendation. Approve \$25 million General Fund for unfunded county workload requirements related to CCR implementation.

Issue 29: Continued Foster Parent Retention, Recruitment & Support (FPPRs) Funding

Budget Issue. The Alliance for Children's Rights, California Alliance of Caregivers, Children Now, and others request that FPPRs funding continue at its current level for 2018-19, as the Governor's budget proposes a decrease in funding next year. Stakeholders also propose trailer bill language that would add measures to (1) require counties to obtain resource family input into their spending plans, (2) refine the recruitment focus to support best practices and (3) enhance accountability through improved reporting.

Staff Comment and Recommendation. Approve an additional \$21.6 million General Fund for FPPRs funding in 2018-19 and approve trailer bill language as placeholder.

Issue 30: Eliminating Barriers to Enter or Re-enter Extended Foster Care

Budget Issue. The Alliance for Children's Rights, California Coalition for Youth, Children's Law Center, and others request a modest increase to Extended Foster Care to ensure youth who are in need of services but were unable to enter or re-enter foster care are able to do so. This proposal is a result of recent issues raised by appellate courts. The changes are narrow and technical in nature. The LAO estimates that this proposal would cost between \$800,000 General Fund to \$1.7 million General Fund.

Staff Comment and Recommendation. Approve trailer bill as placeholder and \$1 million General Fund to implement provisions of the trailer bill.

Issue 31: Waiver Personal Care Services (WPCS) Provider Parity

Budget Issue. The California Association of Public Authorities (CAPA), UDW and AFSCME Local 3930 and the SEIU request \$2.8 million General Fund ongoing to establish an employer of record and provide health care benefits for approximately 700 WPCS providers in California. Currently, WPCS providers cannot receive health benefits because their hours are not covered by existing collective bargaining agreements.

Staff Comment and Recommendation. Approve funding as requested and approve trailer bill language as placeholder.

Issue 32: Streamlining IHSS Provider Enrollment

Budget Issue. The UDW and AFSCME Local 3930 and the SEIU request a \$2.7 million ongoing to expedite the provider enrollment process at the county level. It can take several weeks or even months before a new IHSS provider is enrolled into the program and they are mailed their first timesheet. This delay impacts the ability of IHSS consumers to recruit and retain new workers.

Staff Comment and Recommendation. Approve funding as requested and approve trailer bill language as placeholder.

Issue 33: Provider Back Up System for IHSS

Budget Issue. The UDW and AFSCME Local 3930 and the SEIU request that the Administration develop a comprehensive provider back-up system, and trailer bill language that does the following: 1) Requires the Department of Social Services to convene a stakeholder workgroup no later than September 1, 2018; 2) Requires the work of the stakeholder workgroup be completed by June 30, 2019; and 3) Requires that each county have an operational provider backup system no later than when the state minimum wage reaches \$13 an hour (currently in 2020).

Staff Comment and Recommendation. Approve trailer bill language as placeholder.

Issue 34: Stakeholder Participation in CalSAWS Development Process

Budget Issue. The WCLP, CCWRO, and the Alliance to Transform CalFresh and others requests that the 2018-19 Budget include statutory language to establish a SAWS stakeholder process that emphasizes client-centered design, planning and implementation, and provides for legislative oversight for process and outcome accountability.

Staff Comment and Recommendation. Approve trailer bill language as placeholder.

Issue 35: SRL: Food for All Stakeholder Process

Budget Issue. California Food Policy Advocates and the California Immigrant Policy Center request Statutory Reporting Language (SRL) in the 2018-19 Budget Bill to bring stakeholders together to develop timely, responsive and actionable plans with regard to immigrant Californians, and with the goal to protect, strengthen, and modernize CalFresh and other food assistance programs for California immigrants.

Staff Comment and Recommendation. Approve as requested.